

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SERGIO VALENCIA, SR.,

Defendant.

4:15-CR-3010

MEMORANDUM AND ORDER

This matter is before the Court on several motions, in which the defendant requests copies of the docket sheet from cases listed on his own docket sheet as "related"—that is, the criminal cases brought against others accused of being part of the same drug conspiracy as the defendant. [Filing 219](#); [filing 220](#); [filing 221](#); [filing 222](#); [filing 223](#). However, the defendant does not have a right to receive copies of documents without payment, even if he has leave to proceed in forma pauperis. See, [28 U.S.C. § 1915](#); [Lewis v. Precision Optics, Inc.](#), 612 F.2d 1074, 1075 (8th Cir. 1980). The defendant has not explained why he needs these documents, and the Court will not subsidize his litigation expenses. His motions for copies will be denied.

The defendant also moves the Court for an order compelling his trial counsel to provide him with his entire case file. [Filing 218](#). That demand is premature. As counsel is no doubt aware, a member of the Nebraska bar is ethically required to protect a client's interests, including the surrender of papers and property to which the client is entitled. See [Neb. Ct. R. of Prof. Cond. § 3-501.16\(d\)](#). But as of now, the defendant's case is on appeal to the U.S. Court of Appeals for the Eighth Circuit, and the defendant's counsel is still representing him before that court. The defendant cannot pursue

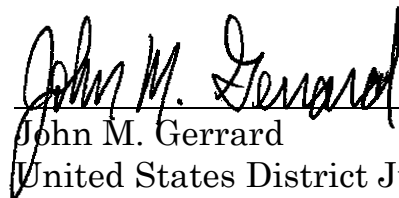
postconviction relief while his direct appeal is still pending. See, *United States v. Jagim*, 978 F.2d 1032, 1042 (8th Cir. 1992); *Masters v. Eide*, 353 F.2d 517, 518 (8th Cir. 1965). Nor would it be productive to compel transfer of the defendant's case file while that file is still active. Accordingly, the defendant's motion to compel will be denied.

IT IS ORDERED:

1. The defendant's motion to compel ([filing 218](#)) is denied.
2. The defendant's motions for copies ([filing 219](#); [filing 220](#); [filing 221](#); [filing 222](#); [filing 223](#)) are denied.

Dated this 21st day of August, 2017.

BY THE COURT:



John M. Gerrard
United States District Judge